

EXHIBIT 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOKOLOW, et al., : 04-CV-00397 (GBD) (RLE)
:
Plaintiffs, :
:
v. : 500 Pearl Street
: New York, New York
PALESTINE LIBERATION ORGANIZATION, :
et al., :
: March 20, 2012
Defendants. :
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TRANSCRIPT OF CIVIL CAUSE FOR CONFERENCE
BEFORE THE HONORABLE RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 clear. I don't want any last-minute documents being produced
2 by your client. If they have any documents that pertain to
3 their injuries either physical or emotional, I would expect
4 them to have been produced to the defendant. And I would
5 expect them to be produced already. To the extent that they
6 haven't, then you can expect that presumptively you don't get
7 to have your expert opine on what those documents mean.

8 MR. TOLCHIN: Your Honor, we are -- like the
9 defendants we are constantly investigating and if we come
10 across or discover or realize that we haven't looked for or
11 found some pile of W-2s from the -- from one of the decedents
12 and say, oh, look, here's some additional documents that go to
13 what this poor woman would have earned --

14 THE COURT: Okay.

15 MR. TOLCHIN: -- had she not been blown up --

16 THE COURT: I want to repeat. Presumptively if you
17 haven't produced it you don't get to produce it. If you think
18 that you can overcome the presumption, give it a shot. I'll
19 give you -- and that's -- you always -- each of you has that
20 opportunity if -- I mean, look. I mean, there could be a
21 document in a safe someplace that nobody has. If you come in
22 and show that, you know, there was a -- you know, a police raid
23 and they came up with a document and nobody knew it existed
24 before, you know, we'll deal with it then but --

25 MR. TOLCHIN: The only thing that isn't fair is --